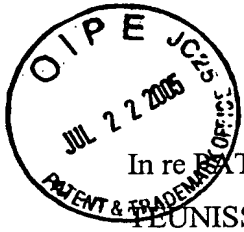


IPW

Atty Docket No. 081468-0307559
U.S. Application No. 10/756,841
Response to Restriction Requirement



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re PATENT APPLICATION OF
FEUNISSEN et al.

Confirmation No.: 1509

Group Art Unit: 2851

Appln. No.: 10/756,841

Examiner: KIM, Peter

Filed: January 14, 2004

Title: LITHOGRAPHIC APPARATUS, LEVEL SENSOR, METHOD OF INSPECTION,
DEVICE MANUFACTURING METHOD, AND DEVICE MANUFACTURED THEREBY

July 22, 2005

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RESPONSE TO RESTRICTION REQUIREMENT AND AMENDMENT

Mail Stop Amendment

Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

Sir:

In reply to the restriction requirement included in the Office Action dated June 22, 2005, applicants hereby provisionally elect the invention of Group II, claims 44-52. This election is made with traverse.

In support of the restriction requirement, the examiner alleges that Group II, drawn to a method, is classified in class 355, subclass 77, while Group I, drawn to a ***lithographic apparatus*** comprising a level sensor, is classified in class 355, subclass 55. Upon review of the USPTO classification system, it appears that class 355, subclass 77 is directed to ***photocopying*** methods, while class 355, subclass 55 is directed to ***photocopying***, focus or magnification control. Applicants respectfully submit that a more appropriate classification for the claimed invention may be class 356, subclass 237.2 directed to ***optics: measurement and testing***, surface condition. The examiner is requested to reconsider the initial classification and to reconsider the restriction requirement in view of the apparent error in the initial classification.